

The SBA's Women-Owned Small Business Program

March 25, 2021

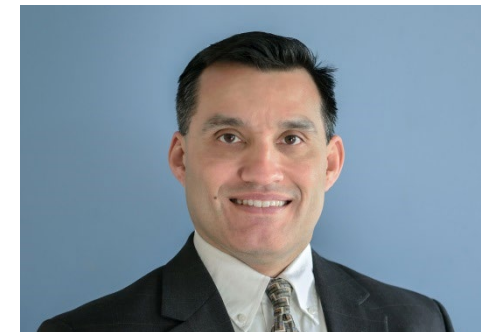
Presented By
Mark A. Amadeo



The SBA's Consolidated All Small Mentor-Protégé Program INTRODUCTIONS

Mark A. Amadeo

- Over 20 years experience as government counsel & law firm counsel
- LL.M. Georgetown University Law Center; J.D. University of Wisconsin Law School; B.A. Boston College
- Founder & Managing Partner of Amadeo Law Firm, PLLC
- Focus on Government Contracting & Technology
 - Review/negotiation: FAR/DFARS Compliance
 - Pre & Post Award Teaming, JV's & Subcontracts
 - Technology: IP Preservation & Commercialization



The SBA's Women-Owned Small Business Program

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The SBA's Women-Owned Small Business Program

Federal Government Goals

- **5% of all prime contract and subcontracts**
- **FY 2019 WO Prime - 5.19% - \$26 billion - highest**
- **WOSB Program - set-asides and sole source awards**



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Eligibility

WOSB

- **Concern - for profit (startups ok)**
- **Size – Small**
- **Ownership – at least 51% unconditionally directly by U.S. women**
- **Control – at least 51% unconditionally directly by U.S. women**

EDWOSB

- **Women who own/control 51% must be economically disadvantaged**



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Eligibility

Unconditional Control/Ownership

- **All owners & advisors must come to terms**
- **SBA - strict and unforgiving**



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Eligibility

51% (Majority) Ownership

Direct

- **Must be direct, not through another business or entity**

Unconditional

- **Not subject to any conditions on ownership benefits**



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Eligibility

51% (Majority) Ownership

- **Partnership** - at least 51% of each class of partnership - reflected in partnership agreement
- **LLC** - at least 51% of each class of member interest
- **Corporation** - at least 51% of each class of voting stock & 51% of all stock outstanding



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Eligibility

Control

- **Management and daily business operations**
- **Long-term decisions and day-to-day operations**



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Eligibility

Management Control

- **Highest Position - qualifying owner**
- **Necessary management experience but technical expertise or license not required**
 - **If has ultimate control over those that have**
- **Manage full-time basis during normal working hours**
- **No outside employment if prevents time and attention to daily affairs**



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Eligibility

Management Control

- **Partnership** - must serve as a general partner
- **LLC** - must serve as management member, control over **ALL** decisions of the LLC
- **Corporation** - must control Board of Directors
 - Own at least 51% of voting stock, on BOD and can overcome supermajority requirements; or
 - Comprise majority of voting directors (by number/weighted voting)



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Eligibility

Management Control

Men & Other Entities

- Can be involved in management
- Can be stockholders, partners & LLC members
- Can't exercise control or have power to control
 - If man has required license & equity - may be found to control



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Eligibility

EDWOSB - QO - Economically Disadvantaged

- **Personal Net Worth - less than \$750K**
- **Income - 3yr AGI can't be over \$350K**
- **FMV - assets must not exceed \$6 million**
- **MAY consider spouse's info, but WILL consider if spouse has a role in company or lent or guaranteed a loan**



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Certification

Benefits

- **WOSB & EDWOSB set-asides & sole-source under WOSB Program**
 - **But not all NAICS codes are eligible**
 - **Every 5 years - SBA reviews NAICS codes list**
- **If not seeking set-asides/sole source can self-certify & also counts toward agency goals**



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Certification

- **SAM**
- **SBA**
 - **Free**
 - **Apply through beta.certify.sba.gov**
 - **Checklists, knowledge base**
- **Third Party Certification**
 - **Fees - \$350-\$400 or more**
 - **Begin process with TPC**
 - **Upload in beta.certify.sba.gov**
- **Existing 8(a), VOB/SDVOSB Certifications**



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Certification

- **SBA Timeline**
 - **15 days - complete/incomplete**
 - **90 days - approval/declined**
- **Declined by SBA or TPC**
 - **Can reapply in 90 days**
- **Delays/RFI's**
 - **Non-matching DUNS, Tax ID, MPINS**
 - **Women owners not POC**
 - **Not completed - attestation & e-signature**



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Certification

- **Must represent annually continue to meet eligibility requirements**
- **Re-examination every 3 years**



**The SBA's Consolidated
All Small Mentor-Protégé Program
Questions?**

Contact:

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